

The Board of Adjustment of the City of Seabrook met on Monday, June 13, 2022 via teleconference in regular session to consider the following agenda items.

THOSE PRESENT WERE:

SUE LANGGARD THOMEY	CHAIRMAN
MICHELE GLASER	VICE-CHAIR
EDELMIRO MUNIZ	MEMBER
TIN NGO	MEMBER
TERRY MOORE	MEMBER
vacant	ALTERNATE MEMBERS
STEVE WEATHERED	CITY ATTORNEY
SEAN LANDIS	DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT
PAT PATEL	ADMINISTRATIVE COORDINATOR

Sue Thomey called the meeting to order at 6:00 p.m.

**1.0 ADMINISTER OATH OF WITNESSES**

**2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS**

None.

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**3.0 SPECIFIC PUBLIC HEARING**

Chair Sue Thomey opened the Public Hearings at 6:01 p.m.

**3.1 Conduct a specific public hearing on a request for a Variance to the Seabrook Code of Ordinances, Appendix A. "Comprehensive Zoning", Article 5 "Off-Street Parking, Loading, Ingress and Egress", Section 5.01 "Off-Street Parking Requirements", Subsection 5.01.08 "Parking Area Standards" A. Surface and drainage: All parking spaces residential or non-residential, aisles and maneuvering areas shall be constructed of an all-weather surface composed of concrete, asphalt, brick or paving stone. Such paving shall meet the minimum construction standards contained in the Seabrook Building Code. Such all-weather surface shall be provided for all parking spaces, whether enclosed or unenclosed, and shall be connected by an all-weather surface driveway to a street or alley. Rock, gravel and dirt parking surfaces are prohibited.**

**Exception: Commercial-use parking lots within the (OS) Old Seabrook zoning district may be constructed with a parking surface material composed of crushed decomposed granite.**

**Owner/Applicant:** Alex Grous, 3010 Todville Road, Seabrook, TX 77586

**Legal Description:** 3010 Todville Road, Seabrook, TX 77586

A 0.57 acre tract of land situated in the Ritson Morris Survey, Abstract No. 52, Harris County, Texas, as found of record in Clerk's File Number 2014-0329607 in the Office of the Clerk of Harris County, Texas.

**Location:** This property is addressed 3010 Todville Road, which is located north of 3014 Todville Road and, south of 3026 Todville Road, and west of East Galveston Bay.

Presentation by Director Sean Landis:

- Applicant requesting to construct a driveway out of a crushed limestone rock/gravel material.
- Section 5.01 "Off-Street Parking Requirements", Subsection 5.01.08 "Parking Area Standards"
- Surface and drainage: All parking spaces residential or non-residential, aisles and maneuvering areas shall be constructed of an all-weather surface composed of concrete, asphalt, brick or paving stone.
- Such paving shall meet the minimum construction standards contained in the Seabrook Building Code. Such all-weather surface shall be provided for all parking spaces, whether closed or unenclosed, and shall be connected by an all-weather surface driveway to a street or alley. Rock, gravel and dirt parking surfaces are prohibited.
- Exception: Commercial-use parking lots within the (OS) Old Seabrook zoning district may be constructed with a parking surface material composed of crushed decomposed granite.

Alex Grous, Applicant/Owner:

- Letter of support from next door neighbor

**3.2 Conduct a specific public hearing on a request for a variance to the Seabrook Code of Ordinances, Appendix A. "Comprehensive Zoning", Article 3 "Establishment of Zoning Districts and Associated Regulations", Section 3.16 "SH 146 Main Commercial District", Subsection 3.16.03 "Area Regulations", A. Front Yard: All buildings shall be set back from the street right-of-way lines a minimum depth of 30 feet.**

**Owner/Applicant:** BDT Seabrook Property LLC, P.O. Box 5205, Montecito, CA 93150

**Legal Description:** 3018 Bayport Blvd, Seabrook, TX 77586

Tract 24B, Ruggles West

**Location:** This property is located east of Bayport Blvd, south of Seabrook Circle, and north of East Meyer Road.

Presentation by Director Sean Landis:

- Applicant is requesting to encroach 3.2 feet into a required 30ft. front setback.
- Section 3.16 "SH146 Main Commercial District" Subsection 3.16.03 "Area Regulations" A. Front Yard: All buildings shall be set back from the street right-of-way lines a minimum depth of 30 feet.

- When applicant submitted to reconstruct the façade of the building they were using benchmarks that were set by TXDOT. The City requires a final survey of the property and at that time they found that there was an encroachment of 3.2 feet into the front setback due to a mismarking of those benchmarks by TXDOT.

Donnie Griffin, Property Owner Representative:

- One of the last parcels on SH146 that TXDOT delayed to the very end
- TXDOT did not communicate with Right-Of-Way people which ended up taking up more than what was shown in the construction plans
- There were errors in the construction plans due to TXDOT miscommunication
- Discrepancy between the construction plans and the revised right-of-way points that TXDOT came up for the right-of-way acquisition from the property
- Issues with survey - survey needed to be redone
- Resubmittal to City for the 30ft setback needed
- 3.2 feet encroachment request to get behind the 30ft front setback

**3.3 Conduct a specific public hearing on a request for a variance to the Seabrook Code of Ordinances, Appendix A. "Comprehensive Zoning", Article 3 "Establishment of Zoning Districts and Associated Regulations", Section 3.03 "R-1 Single-Family Detached Residential District", Subsection 3.03.04 "Area Regulations", C(1). Water-Abutting Yard: If there are two adjoining structures, the minimum waterfront setback shall be the greater of the average of the setbacks of the adjoining main structures within 100 feet of the proposed structure or the minimum water-abutting yard setback of 25 feet.**

**Applicant:** Tyler Salazar (Back Yard Retreats), 3902 Livingston Lake Court, Pearland, Texas 77581

**Owner:** Erin and David Graglia, 2949 N. Island Drive, Seabrook, Texas 77586

**Legal Description:** 2949 N. Island Drive, Seabrook, TX 77586

Lot 1, Block 3, of Seabrook Island Section 2, within the Ritson Morris Survey, Abstract 52, City of Seabrook, Harris County, Texas.

**Location:** This property is located south of Taylor Lake and north of N. Island Drive.

Presentation by Director Sean Landis:

- Applicant is requesting to encroach into a required 25ft. rear setback.
- Section 3.03 "R-1 Single-Family Detached Residential District" Subsection 3.03.04 "Area Regulations". C(1). Water-Abutting Yard: If there are two adjoining structures, the minimum waterfront setback shall be the greater of the average of the setbacks of the adjoining main structures within 100 feet of the proposed structure or the minimum water-abutting yard setback of 25 feet.

David Graglia, Applicant/Owner:

- Proposal - extend existing covered patio – encroach 25ft setback in backyard
- Only at lower level – not at second level

- Request to attach to the house – now it has to meet the setback requirements
- Encroach 5 feet out from 2<sup>nd</sup> floor balcony
- Right now existing patio is detached – therefore there is no encroachment issue

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#### 4.0 NEW BUSINESS

- 4.1 Consider and take all appropriate action on a request for a Variance to the Seabrook Code of Ordinances, Appendix A. "Comprehensive Zoning", Article 5 "Off-Street Parking, Loading, Ingress and Egress", Section 5.01 "Off-Street Parking Requirements", Subsection 5.01.08 "Parking Area Standards" A. Surface and drainage: All parking spaces residential or non-residential, aisles and maneuvering areas shall be constructed of an all-weather surface composed of concrete, asphalt, brick or paving stone. Such paving shall meet the minimum construction standards contained in the Seabrook Building Code. Such all-weather surface shall be provided for all parking spaces, whether enclosed or unenclosed, and shall be connected by an all-weather surface driveway to a street or alley. Rock, gravel and dirt parking surfaces are prohibited.**

**VARIANCE FINDINGS PURSUANT TO SECTION 11.04.02 – the issuance of a variance may not be granted unless the board shall determine that all of the following criteria have been met:**

- A. That special conditions and circumstances exist which are peculiar to the land, structure or building involved which are not applicable to other lands, structures or buildings in the same district.**

**Applicant's Answer:** 3010 Todville does not have direct access to Todville Road, instead, there is a right of way easement that permits access to the property. This right of way easement is not paved. Property at 2922 Todville is also attached to the right of way easement and is also unpaved, having gone under similar review during their construction.

***We find accordingly***

Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Tin Ngo, Terry Moore

Nays:

Abstain: None

- B. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this ordinance.**

**Applicant's Answer:** There are no rights deprived, others in area have unpaved driveways.

***We find accordingly.***

Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Tin Ngo, Terry Moore

Nays:

Abstain: None

**C. That the special conditions and circumstances do not result from the actions of the applicant.**

**Applicant's Answer:** Right of way easement is not paved. A paved driveway to 3010 would end to gravel before reaching Todville Rd.

***We find accordingly.***

Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Tin Ngo, Terry Moore

Nays:

Abstain: None

**D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.**

**Applicant's Answer:** Others in area and adjacent to easement have unpaved driveways, no special privileges would be conferred.

***We find accordingly.***

Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Tin Ngo, Terry Moore

Nays:

Abstain: None

**E. That a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.**

**Applicant's Answer:** Premature degradation of a paved driveway would be expected as there is no connecting paved surface on right of way easement. In a flood situation you will get much worse erosion along the edge of non-permiable asphalt than you will permiable crushed concrete.

***We find accordingly, for the reasons expressed herein:***

Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Tin Ngo, Terry Moore

Nays:

Abstain: None

#### **VARIANCE GRANTED BY MAJORITY VOTE**

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**4.2 Consider and take all appropriate action on a request for a variance to the Seabrook Code of Ordinances, Appendix A. "Comprehensive Zoning", Article 3 "Establishment of Zoning Districts and Associated Regulations", Section 3.16 "SH 146 Main Commercial District", Subsection 3.16.03 "Area Regulations", A. Front Yard: All buildings shall be set back from the street right-of-way lines a minimum depth of 30 feet.**

**VARIANCE FINDINGS PURSUANT TO SECTION 11.04.02 – the issuance of a variance may not be granted unless the board shall determine that all of the following criteria have been met:**

- A. That special conditions and circumstances exist which are peculiar to the land, structure or building involved which are not applicable to other lands, structures or buildings in the same district.**

**Applicant's Answer:** Weisser surveyors found evidence of two right-of-way lines set by TXDOT forces along the Applicant's property. One right-of-way line, shown on Exhibit A, results in the Applicant's building being situated outside of a 30' building setback line. The other right-of-way line, shown on Exhibit B, results in the Applicant's building being situated inside of a 30' building setback line.

***We find accordingly***

Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Tin Ngo, Terry Moore

Nays:

Abstain: None

- B. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this ordinance.**

**Applicant's Answer:** Permitting the office space to remain within the setback will permit the Applicant to manage the self storage facility and be consistent with the uses made by adjoining property owners of their respective properties. The use of the property continues to be that of self storage which benefits the community, is in compliance with all zoning regulations and is consistent with the uses that other property owners make of their properties.

***We find accordingly.***

Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Tin Ngo, Terry Moore

Nays:

Abstain: None

- C. That the special conditions and circumstances do not result from the actions of the applicant.**

**Applicant's Answer:** The establishment of the right-of-way lines at different locations as indicated on Exhibits A and B was the work of TXDOT forces, and was not due to any effort on the part of the Applicant.

***We find accordingly.***

Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Tin Ngo, Terry Moore

Nays:

Abstain: None



- D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.**

**Applicant's Answer:** The use of the property continues as a self-storage facility and no special privilege is being requested other than to have the office for the self-storage facility slightly intrude into the setback area as a result of the TXDOT / State of Texas initial error in locating the right of way line. Attached hereto as Exhibit "4" is a photograph and rendering of the building containing the office space that will be within the setback area.

***We find accordingly.***

Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Tin Ngo, Terry Moore

Nays:

Abstain: None

- E. That a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.**

**Applicant's Answer:** The literal enforcement of the provisions of this ordinance would result in the sawcutting and demolition of the existing building by a minimum of 3.2 feet. Enforcement of the provision will also require that the existing interior space plan be modified and the overall width of the space reduced by minimum of 3.2 feet. New sketch drawings would need to be generated by the Design Team and submitted to The City of Seabrook for review and approval. Currently, the new office area is ready for painting, installation of millwork, installation of ceiling grid and tile, installation of light fixtures, installation of scheduled flooring and base, installation of plumbing fixtures, and occupancy by the Owner. Enforcement of the provisions of the ordinance would significantly delay the completion of these items.

***We find accordingly, for the reasons expressed herein:***

Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Tin Ngo, Terry Moore

Nays:

Abstain: None

#### **VARIANCE GRANTED BY MAJORITY VOTE**

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- 4.3 Consider and take all appropriate action on a request for a variance to the Seabrook Code of Ordinances, Appendix A. "Comprehensive Zoning", Article 3 "Establishment of Zoning Districts and Associated Regulations", Section 3.03 "R-1 Single-Family Detached Residential District", Subsection 3.03.04 "Area Regulations", C(1). Water-Abutting Yard: If there are two adjoining structures, the minimum waterfront setback shall be the greater of the average of the setbacks of the adjoining main structures within 100 feet of the proposed structure or the minimum water-abutting yard setback of 25 feet.**

**VARIANCE FINDINGS PURSUANT TO SECTION 11.04.02 – the issuance of a variance may not be granted unless the board shall determine that all of the following criteria have been met:**

**A. That special conditions and circumstances exist which are peculiar to the land, structure or building involved which are not applicable to other lands, structures or buildings in the same district.**

**Applicant's Answer:** This particular lot is located in the inside corner of the island which creates a heavily protruding property line that is unlike any other property in this development. This pushes the 25' set back closer to the main residence and does not allow the same amount of development as surrounding residences.

***We find accordingly***

Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Tin Ngo, Terry Moore

Nays:

Abstain: None

**B. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this ordinance.**

**Applicant's Answer:** The literal interpretation of the ordinance would not allow them to build any cover of relative size as all other residences in the same development.

***We find accordingly.***

Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Tin Ngo, Terry Moore

Nays:

Abstain: None

**C. That the special conditions and circumstances do not result from the actions of the applicant.**

**Applicant's Answer:** The 25' setback was set by the City and due to the islands shape when developed and the location of the subject's property, the homeowners had no involvement in the creation of the hardship.

***We find accordingly.***

Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Tin Ngo, Terry Moore

Nays:

Abstain: None

**D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.**



**Applicant's Answer:** Granting this variance will give the homeowners the same privilege as all-other homeowners in the development.

*We find accordingly.*

Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Tin Ngo, Terry Moore  
Nays:  
Abstain: None

**E. That a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.**

**Applicant's Answer:** Enforcing the section c: "water-abutting yards" to the literal terms will not allow the homeowners the same ability as other residences to add anymore covered space that would be a reasonable build design to add value to their home and community.

*We find accordingly, for the reasons expressed herein:*

Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Tin Ngo, Terry Moore  
Nays:  
Abstain: None

#### **VARIANCE GRANTED BY MAJORITY VOTE**

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#### **5.0 ROUTINE BUSINESS**

##### **5.1 Approve the minutes from the April 11, 2022 BOA meeting.**


Motion was made by Michele Glaser and seconded by Terry Moore.

*Approve the minutes as presented.*

**MOTION CARRIES BY UNANIMOUS CONSENT.**

Meeting adjourned at 6:53 p.m.

APPROVED THIS 25<sup>th</sup> DAY OF July, 2022

  
Sue Thomey, Chairman

  
Pat Patel, Administrative Coordinator